

**MINUTES MEETING
Town of Halfmoon Planning Board
October 24, 2016**

Those present at the October 24, 2016 Planning Board meeting were:

Planning Board Members: Don Roberts –Chairman
Marcel Nadeau- Vice Chairman
John Ouimet-absent
Tom Ruchlicki
John Higgins
Tom Koval-absent
Richard Berkowitz
Cory Custer-absent

Planning Board Alternates: Margaret Sautter
Mike Ziobrowski

Director of Planning: Richard Harris
Planner: Paul Marlow

Town Attorney: Lyn Murphy
Deputy Town Attorney: Cathy Drobny

Town Board Liaison: John Wasielewski
Jeremy Connors

Chairman Don Roberts opened the Planning Board Meeting at 7:00 pm

The following board members abstained from voting to approve the October 11th minutes because they were not present at the meeting: John Higgins, Rich Berkowitz, Margaret Sautter.

Marcel Nadeau made a motion to Approve the Minutes from the October 11, 2016 meeting. Tom Ruchlicki seconded. Motion Carried.

Public Information Meeting:

16.156 Samuel Thompson Garage, 155 Old Plant Road - Special Use Permit

Samuel Thompson: My name is Samuel Thompson and what I'm looking to do is build a 390 sq ft garage in my back yard. That's basically it.

Don Roberts: That's it right?

Samuel Thompson: Yep

Don Roberts: Would anyone from the public like to speak? Ok please come up and say your name and address because these meetings recorded.

Tom Mercer: My name is Tom Mercer, I live at 155 next to Mr. Thompson, he has been a good tenant to me a good friend I see no reason why he can't be approved for this thing. Thank you.

Don Roberts: Ok, thank you very much, would anyone else like to speak? Ok seeing as no one else wants to speak I'll close the public hearing.

Lyn Murphy: I just wanted to clarify, he said he was 155?

Samuel Thompson: He is 157 he is to the right of my house.

Don Roberts: Ok, alright it's always good to know where you live. Ok , I'm gonna close the public hearing , board members any comments?

Marcel Nadeau made a motion to approve the Samuel Thompson Garage Special Use Permit. Rich Berkowitz seconded. Motion Carried.

16.031 **Brookwood Farms Phase I, Brookwood & Devitt Road- Major Subdivision**

Lyn Murphy recused herself.

Brandon Ferguson: Hi my name is Brandon Ferguson from Environmental Design, I'm here representing CGM Construction and Riberdy Construction for the proposed Brookwood Subdivision. I think the map up there actually shows our current phase and then the possible future phase. Existing project site is located on the southern side of Brookwood road, it's actually just this side over here with road frontage around Brookwood road and Devitt road. The existing site is approximately 18.1 acres, it was an old farm it had some barns on it and there's wooded areas as well as Army Corps. wetlands. We are proposing 7 single family homes, 5 that would come off of Brookwood, lots 1,2 and 3 and 2 flag lots back here, and then 2 of them will come off Devitt road. There will be public water which will just be private services to each lot and each lot will have individual septic systems. We are also proposing to convey some lands over here to the existing neighbors. Thats pretty much it, thank you.

Don Roberts: Thats pretty much it , ok thank you. Would anyone like to speak? Please come up and say your name and address.

Brian Fitzgibbon: Hi my name is Brian Fitzgibbon; I live at 297 Middletown road. My question was, was this just phasing I of what you're intending to put in? It looks like, how many houses would comprise the whole thing?

Brandon Ferguson: Sir right now we're only proposing the 7 lots on this side of the existing National Grid easement anything over here on this side is not proposed at this time we, this is actually an old map that when we originally came in we've since adjusted the project to just include this section over here.

Brian Fitzgibbon: That's all you can do presently?

Brandon Ferguson: Presently yea.

Brian Fitzgibbon: Ok, thank you.

Don Roberts: Anyone else? Ok seeing no one else wants to speak I'll close the public hearing, board members any comments or concerns? Ok at this time, you have something Marcel?

Marcel Nadeau: Just to clarify this is what you're doing currently but the initial phase could be phase II on this as well correct?

Brandon Ferguson: Yea, yea there will most likely be a phase II down the road but we don't know exactly what that is yet it might not look like anything we are proposing over there.

Marcel Nadeau: So the answer to the question is there could be a phase II?

Brandon Ferguson: That would come back before the board for approval later on.

Don Roberts: Anyone else? John.

John Higgins: Now you're still addressing some of the engineers comments correct?

Brandon Ferguson: Yes, yep I just got back to Joe I think late last week so I think we are still going back and forth a little bit on things.

John Higgins: Ok and I think we are still waiting for some other

Don Roberts: We are waiting for SEQR and the comments to be addressed because we just got them Friday so thats why we cannot take action tonight so.

John Higgins: And I just want to mention again that the applicant has decided to go ahead with this phase with full SWPP and everything else that would be required for both phases as he basically is doing that at his own expense in response to a request from the board and we want to thank him for that. Thank you.

Brandon Ferguson: Yep.

Don Roberts: Some, we had a late arrival I guess so I will reopen the public hearing for comment.

Sandy Sherett: My name is Sandy Sherett, I live at 181 Brookwood road and my question is , its basically to the town board , over the past 20 years I've lived on Brookwood road and fortunately we haven't seen a tremendous amount of development , but in the few cases that we have seen development there hasn't been a tremendous amount of attention by the town to the drainage when properties are built up and my question is, I know there are a lot of wetlands in that area which I'm sure the Army Corps of Engineers going to prevent you from building on but I just would like the board to make sure that as these properties are being built that drainage is being considered so that the current homeowners aren't damaged in any way shape or form. It's really not a question it's more of a statement to the board.

Don Roberts: Ok, thank you.

Sandy Sherett: Alright

Don Roberts: And our town engineer will be reviewing this project also and I'm sure he's here tonight; he heard your concerns so Joe you'll be taking care of that right?

Rich Berkowitz: And that's one reason we're making them do a SWPP's report for the whole phase I and phase II at the same time.

Don Roberts: Would you like to answer that at all?

Mike Ziobrowski: A SWPPP plan is a storm water pollution prevention plan, just for clarity.

Brandon Ferguson: Yea we will be providing stormwater on each individual lot to address drainage issues and ensure we are not increasing flow rates off the site.

Don Roberts: So between you and between our comments I think we will have that covered ok.

Sandy Sherett: Thank you very much.

Don Roberts: Your welcome and I will close the public hearing again any more comments? As I said before we cant take any action tonight, you know that ok , alright well thank you very much for your presentation. Thank you.

Brandon Ferguson: Thank you.

The application for Brookwood Farms Phase I , Major Subdivision was tabled until SEQOR and SWPP are completed.

New Business:

16.160 Beyer & Macali, CPA's, 10 Executive Park Drive - Change of Use/Tenant

Michele Tiberty: Hi my name is Michele Tiberty and I'm here for LMLS Holdings the landlord and we have a little office building in Halfmoon Executive Park off of Rte. 9. It has a 3 tenants total and were adding, we're getting a new tenant for one of them Beyer Macali who has three full time employees they're a CPA firm. That's about it. We've got a 40 space lot and there will be a total of a dozen of us.

Don Roberts: Do you know their hours of operation?

Michele Tiberty: 9 to 5, and 9 to 3 on Saturday.

Don Roberts: Any sign proposal at this point or no?

Michele Tiberty: Just another thing stuck on the sign that's on there.

Don Roberts: You'll have to come in for that you know, you'll have to come in for that sign, cause there's no application for a sign is there Rich?

Richard Harris: Correct, no.

Don Roberts: So you will have to come back in to see our planning dept. to get a sign, ok. Any questions?

Rich Berkowitz: Yea, what other tenants are in the building?

Michele Tiberty: Cimatrix, which is sort of a software company, 9 people, and we don't have a tenant for the third part yet.

Rich Berkowitz: Ok.

Rich Berkowitz made a motion to approve Beyer & Macali, CPA's Change of Use/Tenants application. Mike Ziobrowski seconded. Motion Carried

Michele Tiberty: Thank you very much we will see about the sign.

16.153 **Rexford Group Association, 5 Rexford Way - Commercial Site Plan.**

Kit Bast: Hi I'm Kris Bast, I also go by Kit Bast. I'm representing the Rexford Group who owns the property. Our tenant H T Lyons has been a long term tenant, they want to stay in their place but yet expand and do more of the same thing they are doing on the adjacent property at 5 Rexford way. They want to start off with 10,000 sq ft and expand up to an additional 10,000 more if they want. They may not ever do it but they want to have that ability hence we have an original showing 10,000 sq ft but the ability to expand to another 10,000 ft if they want to. They are just going to basically carry on the same operations that they are carrying on in their existing shop; they are still going to occupy their existing area and then move over to this new area as well.

Don Roberts: Any questions by the board?

Margaret Sautter: I have a quick question, the site you have here do you know the acreage of this site?

Kit Bast: I should, it's about, and I think it's about 3 acres.

Richard Harris: 5.4

Margaret Sautter: 5.4, and the building will be on how much of that acreage?

Kit Bast: Figure on 3 acres.

Margaret Sautter: On how many?

Kit Bast: 3 acres, but I'm sorry I don't have those facts with me but I can get them for ya.

Margaret Sautter: My question is how much of that is green space? I see you have green space here you have written down that its 3.95 acres of green space, how much of that us useable green space as opposed to water.

Kit Bast: I'm sorry I do not have those facts available, I can get them for you, but my understanding from the engineer that we are working with we should have no problem with the green space, we should have plenty.

Margaret Sautter: We would like to look at useable green space as opposed to wetland green space as well though when we look at the whole picture of it, especially in this area, because there is so much wet lands around. Ok thank you.

Don Roberts: I guess it's a little conceptual right now so as time goes on we can maybe get that information right?

Kit Bast: Ok.

Don Roberts: Anyone else?

John Higgins: The building is going to be split up between offices and fabrication?

Kit Bast: There will be assembly what there gonna do is their going to receive materials to distribute to other jobs and there might be some assemble where they'll put together pumps on pump skids , bolt together some pipe makes and pipe assemblies there might be some bolting and welding but you know its to bring in some materials and get them up to their job sites.

John Higgins: Is any of it gonna be office space?

Kit Bast: Yes.

John Higgins: Ok, cause in a C-1 zone you have to have , you cant be exclusively manufacturing , it has to have office space also.

Kit Bast: Right, no it will have 1,000 sq ft of office space.

John Higgins: Ok, thank you.

Don Roberts: Anyone else? Ok at this point I think we will refer it to Clough Harbor for review and see you in the future alright.

Kit Bast: Alright thank you.

Don Roberts: Ok, thank you very much.

Rexford Group Association's Commercial Site Plan application was referred to Clough Harbor for further review.

Old Business:

16.155

Valente /Fitzgibbon Lot Line Adjustment, 242 Brookwood Road - Minor Subdivision

Mike Roth: Good evening everyone my name is Mike Roth I'm with C.T. Male Associates, representing Valente Building Group and Fitzgibbon. Basically Valente wants to convey about 4/10 of an acre to the Fitzgibbon's, its an area that they've been using for lawn and landscaping for quite sometime and Valente really doesn't need that area for the lot that he has the house on now and he'd like to be a good neighbor so thats the reason for this lot line adjustment.

John Higgins: Don is it alright if I ask a question?

Don Roberts: Go ahead.

John Higgins: So your still going to have another lot that you can build on in addition to this property that is being subdivided correct?

Mike Roth: Well there is an existing lot over there to the left that's an approved subdivision lot that will be a house built on that down the road.

Rich Berkowitz: Is that Lot 1?

Mike Roth: Lot 1. It was a 2 lot minor subdivision that was done a few years back.

John Higgins: Right, I was on that committee and I just want, so the part that's being conveyed to the Fitzgibbon's is just going to be attached to their lot?

Mike Roth: That's correct, its not a separate building lot. It will be deeded and conveyed to them just for their use. No new dwellings going there.

John Higgins: Yea, cause it was only approved as a 2 lot subdivision.

Mike Roth: Correct.

John Higgins: Ok, I just wanted to make sure.

Mike Roth: Yep.

Lynn Murphy: you can see on that line it shows intent to move to the right.

Don Roberts: Anyone else.

Marcel Nadeau made a motion to set a Public Hearing for November 14, 2016. Rich Berkowitz seconded. Motion Carried.

16.130 Aldi Halfmoon, 1681 Route 9 - Addition to Site Plan

Chris Camber: Good evening my name is Chris Camber I'm with APD Engineering & Architecture representing Aldi. We are back in front of the board tonight, it's our second meeting to discuss the 3,300 sq ft expansion to the

existing Aldi's store at 1681 US 9. We're basically coming out the long front wall removing a row of parking along the front and then modifying that front drive out to one way , and modifying a few of the spaces in the lot to 9 ft wide to help offset some of the lost parking. Under original design, originally what's there today there's 91 parking spaces. Under the proposed design there will be 85. We need a waiver from the planning board for the number of parking spaces as well as site plan approval for the expansion and improvements. If the board has any questions I would be happy to answer them. One other thing I'd like to mention, it was just that Clough Harbor Associates did have some comments; we addressed all of their comments as stated in their October 11th, 2016 letter.

Don Roberts: You agree with that Joe?

Joe Romano: yes.

Don Roberts: You all set?

Joe Romano: Yes

Don Roberts: No concerns?

Joe Romano: No.

Don Roberts: Board members any concerns?

Mike Ziobrowski: Yea, did we determine there was going to be a stop sign on the Lowes portion of it? I thought there was an issue about that initially?

Joe Romano: There was, we questioned there cars going out one way on the northern side of the site. Into the traffic so that was one of the things that we had addressed last time.

Chris Camber: Yea we moved the stop sign around the corner so it's actually on the main drive between Lowes and US 9. and we also put a do not enter sign on the other side of that .

Joe Romano: That's what we were looking for as well.

Mike Ziobrowski: Yea, that's what we wanted.

Joe Romano: Can you let me know where the stop sign is?

Chris Camber: Sure.

Don Roberts: It should be there, it should be right there (referring to the laser pointer)

Chris Camber: If I can figure out how to use it. Right here , so there's stop bar here , this is an older plan so the stop sign will be right here on the corner and the stop bar and on the back side of that stop sign there will be a do not enter sign.

John Higgins: So a stop sign for the vehicles heading towards Lowes?

Chris Camber: Yes exiting from the Aldi one way drive aisle and making a left or a right onto that main access road.

John Higgins: So what you're planning is the vehicle would go up make a left hand turn then stop. Correct?

Chris Camber: Correct.

John Higgins: Is there enough room there to make a right and stop and still not get out in traffic Rich?

Rich Berkowitz: Yea there is, there is, the only problem is when, what twice a week you have tractor trailers? Three times a week?

Chris Camber: Once a day usually off hours, they don't like to deliver when there are other cars in the lot.

Rich Berkowitz: Oh they deliver during the middle of the day.

Chris Camber: When they have to , when they run out of stuff.

Rich Berkowitz: Usually its around 1,2 O'clock.

Chris Camber: But the movement in question I actually made that movement tonight and had no problem.

Rich Berkowitz: As long as those trees are properly maintained you shouldn't be a problem.

Marcel Nadeau: That was going to be my question, that one large tree on Lowes property, Its a nice looking tree but it does affect your site distance, visibility.

Chris Camber: Yea, unfortunately that tree is on Lowe's property, we can't prune it back.

Marcel Nadeau: I think Rich had them trim that a few years ago

Rich Berkowitz: The tree should be removed.

Don Roberts: We will have to keep an eye on that then, its ya know.

Rich Berkowitz: Cause even with it being trimmed you have to sneak up around that corner and make sure its.

John Higgins: Maybe we should make a not of that for the next time Lowes comes in.

Don Roberts: Anyone else?

Margaret Sautter: I just have a quick question about, do you know how many handicapped parking spots you have?

Chris Camber: Under existing conditions I believe there is 4.

Margaret Sautter: Under future conditions what are you going to have?

Chris Camber: 4 as well, that is the ADA requirement.

Margaret Sautter: I'm just, just going by there and seeing your clientele, I would think some of those side, some of those slant ones right there on the side maybe you would want to make those handicapped, the larger ones just for the convenience of your customers, cause I do see a lot of elderly kind of trying to vie for those 4 spots there. Just, I know you don't have to but you might want to look at your clientele and see if thats more convenient for them, cause thats also where they get their carts right there, its a little bit more covered I think that area that spacing there, and I see a lot of the elderly parking over there already, so it may help just to put a few there.

Chris Camber: Yea we left the 4 over on the side so you wouldn't have to actually cross a lane of traffic to get to the store.

Margaret Sautter: Yea but I just don't think that's enough that's all, so those are always taken. Just a thought.

Rich Berkowitz: You might want to make that one all the way to the left another handicapped that gets you 5.

Chris Camber: Ya the striping not quite wide enough.

Rich Berkowitz: It's not wide enough

John Higgins: Yea I agree with Margaret because I was there today , I wanted to look at the site before the meeting and the parking spots going towards Lowes , everyone of them was taken today so you know , if you could make one or two of those handicapped at the end, even though they have to walk across , I still think , you know that they get used a lot.

Chris Camber: Thank you, I will take that under advisement and coordinate with my client.

Don Roberts: Anyone else?

Rich Berkowitz made a motion to approve Aldi Halfmoon's Addition to Site Plan. John Higgins seconded. Motion Carried.

Tom Ruchlicki made a motion to Adjourn the meeting at 7:25 pm. John Higgins seconded. Meeting Adjourned.